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60,130-1885; 02MRA0391

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Weber
Serial No.: 10/701,997
Filed: 11/5/2003
Examiner: Schwartz, Christopher P.
Art Unit: 3683
Title: Temperature Control System for Air/Oil Shock Absorber Module

M/S Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

Appellant has now reviewed the Examiner's Answer mailed March 26, 2006, and has the following brief comments.

Arguments With Regard to Harrison in View of Sakai, et al.

The examiner argues that the claim merely claims a "control for avoiding an undesirably high temperature within the air volume." That is, the examiner argues it is simply a statement of intended use. It seems the examiner is perhaps arguing that the claim does not require a control that can replace hotter air with cooler air within the air volume. This is an unfair reading of the claim. The claim clearly recites that a control can avoid an undesirably high temperature within an air volume "by replacing hotter air with cooler air." Harrison cannot meet this limitation for the reasons set forth in the main brief. It also appears the examiner is arguing that Harrison, which is truly simply an air supply to supply air to a suspension component 21, can itself meet

MAY 24 2006

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the limitations of a "suspension component." The claim requires an "air spring" that defines the volume that the control regulates. The reservoir of Harrison is not an "air spring," and thus the rejection should fail for this reason.

At any rate, it seems the examiner's argument then flows that the air spring and shock absorber module of Sakai, et al. can replace the air supply system of Harrison to communicate with Harrison's suspension component 21. This would be a non-working system, as there needs to be air supplied to the suspension component.

Moreover, it appears the examiner would insert an air spring and shock absorber module into the Harrison environment, and retain all of the valving of Harrison. This would make no technical sense. Simply, the check valves 18 and 22 control the flow of air into the Harrison module 21. The claims are not met by Harrison for the reasons set forth in greater detail in the main brief.

Arguments With Regard to the Combination of Harrison, Sakai, et al. and Chamberlin, et al.

The examiner argues that the claim 2, which requires a temperature responsive valve that opens to allow air to leave the air volume if a predetermined temperature is reached would have been obvious over the three above-mentioned references. The examiner takes the position that Chamberlin, et al. shows that temperature sensitive valving is known.

The valve of Harrison that allows the air to escape the suspension component 21 would be the check valve 22. There is no reason to replace a check valve with a temperature responsive valve.

Claim 3 is dependent to claim 2 and recites a leveling valve that is operable to deliver cooler air into the air spring when the temperature responsive valve opens to allow air to leave. Again, there is no treatment of this claim, other than the examiner arguing that the valve 18 could provide this function. However, the valve 18 would only open to allow air to enter the chamber 21 if the check valve 22 opened. This would remove the inter-relationship between the pressures that would cause the valves 18 and 22 to open.

60,130-1885; 02MRA0391

The dependent claim 4 requires that the temperature responsive valve be mounted in an end of an air spring. The examiner argues that this is a design choice. However, this is an improper grounds of rejection. The examiner must provide art to meet the claim.

Independent claim 5 recites the temperature responsive valve and the leveling valve limitations. The proposed combination would not meet these claims for all of the various reasons mentioned above.

CLOSING

For the reasons set forth above, reversal of the rejection and allowance of all claims is in order. Such action is solicited.

Respectfully submitted,

CARLSON, GASKEY & OLDS

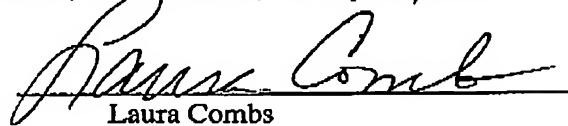


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on May 24 2006.


Laura Combs